

DETAILED ACTION

Terminal Disclaimer

The terminal disclaimer filed on 11/12/05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 6,723,948 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 105-118 are rejected under 35 U.S.C. 102(b) as being anticipated by De Kort (USPN 6,122,898).

De Kort teaches a first processing roller and a second processing roller having a working gap (figure 2a, rollers); means for inserting the substrate in a feed direction (figure 1, item 6); tool parts cooperating with at least one of the first and second processing rollers to process the substrate in said working gap (figure 2, item 20); means for register controlled transport of the substrate using at least one gripper cooperating with one of said first and second processing rollers (figure 2, item 24); and

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a disposal device located downstream of the working gap for collecting processing waste (figure 2, item 9); wherein the first and second processing rollers feed a downstream second gripper acting on the substrate, said downstream second gripper disposed in one of a delivery roller, a transfer roller, and a discharge device (figure 2, item 24); where the gripper is a mechanical gripper (figure 2, item 24, where gripper via mechanical motors assist the grippers) where the delivery roller and transfer roller effects transfer together with at least one downstream conveyor belt and said discharge device to accept the substrate and/or waste (figure 1, items 25); wherein to support separation of waste from the substrate, the disposal device comprises at least one vacuum suctioning unit and a pressurized air system facing the first and second processing rollers (figure 2, item 29); where the discharge device comprises a table, said table having an upper side which accepts and removes a finished piece and with a receiving end defining a passage gap together with a lower one of said first and second processing rollers, said passage gap for downwardly directed passage to said disposal device of a waste portion resulting from punching (figure 2, item 9); means disposed at and end of said working gap, for splitting off and separating the finished part from the waste portion and for simultaneously passing the finished part to a finished part transport means and the waste portion to a waste portion transport means using at least two independent delivery streams where the means for splitting off includes suctioning (figure 2, conveyors, where the examiner interprets the 'waste' portion as one of the two conveyors).

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Alexandra Elve whose telephone number is 571-272-1173. The examiner can normally be reached on 7:30-4:00 Monday to Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu B. Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 25, 2010.

/M. Alexandra Elve/
Primary Examiner, Art Unit 3742